

SUSIE M. LANDS, )  
)  
Plaintiff )  
)  
v. ) No. 3:06-cv-079  
)  
JO ANNE B. BARNHART, )  
Commissioner of Social Security, )  
)  
Defendant )

This matter was referred to a United States magistrate judge of this district pursuant to 28 U.S.C. § 636(b) and Rule 72(b), Federal Rules of Civil Procedure, for a report and recommendation regarding disposition of plaintiff's motion for summary judgment [Court File #11] and defendant's motion for summary judgment [Court File #16]. In a report and recommendation dated October 30, 2006, the United States magistrate judge recommended that the plaintiff's motion be denied and the defendant's motion be granted [Court File #19]. Plaintiff has failed to file a timely objection to the report and recommendation and is therefore deemed to have waived any objection thereto.

Upon a *de novo* review of the record in this case and the magistrate judge's report and recommendation, I am in agreement with the United States magistrate judge. Specifically, the court finds that there is substantial evidence in the record to support the ALJ'S conclusion that plaintiff could perform the requirements of her past relevant work.

In light of the foregoing, the report and recommendation of the United States magistrate judge [Court File #19] is hereby ACCEPTED. Plaintiff's motion for summary judgment [Court File #11] is DENIED; defendant's motion for summary judgment [Court File #16] is GRANTED; and the final decision of the Commissioner is AFFIRMED.

**E N T E R :**

*s/ James H. Jarvis*  
UNITED STATES DISTRICT JUDGE